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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/658,581

Filing Date

09/09/2003

First Named Inventor

James Dennis Hagan

Art Unit

3641

Examiner Name

Troy Chambers

Attorney Docket Number

84566

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):Comments on Statement
of Reasons for
Allowance

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

NAVAL SURFACE WARFARE CENTER DAHLGREN DIVISION

Signature

Printed name

SCOTT R. BOALICK

Date

April 15, 2005

Reg. No.

42,337

CERTIFICATE OF TRANSMISSION/MAILING

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DEBORAH G. BLAKLEY

Date

4/15/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Dennis Hagan
Serial No. : 10/658,581
Filed : September 9, 2003
Title : PRESSURE-RELEASED BRAKE ASSEMBLY FOR RESTRAINING
PROJECTILE IN LAUNCH TUBE

Art Unit : 3641
Examiner : Troy Chambers

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In response to the Notice of Allowance of January 18, 2005, Applicant submits the following comments on the statement of reasons for allowance.

The Examiner's statement of reasons for allowance stated that independent claims 1, 9 and 17 "require a *means for positioning* the pin" and that, "[i]n accordance with 35 U.S.C. 112(6), the *means for positioning* in claims 1, 9, and 17 are defined by claims 6, 14 and 21, respectively." It is true that claims 6, 14, and 21 depend from independent claims 1, 9, and 17 respectively. But it is improper to import limitations of dependent claims 6, 14, and 21 into independent claims 1, 9, and 17. Instead, the limitations of independent claims 1, 9, and 17 are to be interpreted under proper claim construction jurisprudence.

If the Examiner has any questions, he is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Date: _____

April 15, 2005

Scott R. Boalick
Reg. No. 42,337

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